CHAPTER XXIV.

PERSONAL INAMS.

These inams, which are holdings of land wholly or partly exempted from the payment of revenue, without any condition as to service to be rendered, are of very various extent and value, comprising sometimes several villages held entirely rent-free, and sometimes only two or three fields on which a quit-rent (joodee or salamee) is imposed which may be very nearly equal to the full assessment. It was a matter of course that in the early years of our rule many claims of this sort should be made which had no true foundation, and these claims to exemption from the payment of revenue were formerly, under Chapters 9 and 10 of Reg. XVII. of 1827, inquired into and decided by the Collector, the claimant having the right in case of an adverse decision to sue the Collector in the Civil Court for the land claimed. It was decided, however, that this procedure did not apply to the territories acquired in and subsequent to 1818. For the Deccan, Khandeish, and the Southern Mahratta Country, therefore, Act XI. of 1852 was passed with the object of a more thorough and speedy adjudication of inams. The Inam Commission established by this Act continued its judicial inquiries till 1863, when it appeared that a more summary settlement might be made with advantage both to the claimants and to Government. Bombay Act II. of 1863 was accordingly passed for the districts affected by Act XI. of 1852, and Bombay Act VII. of 1863, in terms almost identical for the Konkans and Guzerat, Chapters 9 and 10 of Reg. XVIII. of 1827 being repealed. By these Acts all holders of land held either wholly or partially rent-free, with the exceptions specified in the two Acts, could prevent all further question as to their titles by payment of a quit-rent fixed once for all, combined in most cases with a nuzzerana on transfer and succession. Their lands were then to be guaranteed to them as private property. This which is known as the summary settlement, has been accepted by the great body of Inamdars all over the country, and as the work of the Alienation Department is now nearly finished, it is not necessary to give the rules issued in accordance with the above principles. The

settlement was not offered to those who held grants from the British Government, or to those whose claims had been previously adjudicated by the Inam Commission, but either class might obtain the advantages of the settlement on paying for them according to the terms of these Acts.—*G. R. No* 39, *Jan.* 6, 1864.

A settlement of a similar nature but necessarily more complicated in its details was made with regard to inams held not permanently but for one or more lives. This is called "the terminable settlement" and it was sanctioned by Government in G. R. No. 1399, April 13, and No. 2900, Aug. 1, 1864. It extended to grants made by the British Government.

The most recent legislation on the subject is the Bombay Revenue Jurisdiction Act (No. 10 of 1876) by which the right of the Civil Courts to enquire into claims to hold land exempt from payment of revenue is limited in the same way as their right to enquire into money grants was by Act 23 of 1871.

The laws on the subject of personal Inams, not repealed by the Revenue Code or otherwise, are Acts XI. of 1852, XXIII. of 1871, and X. of 1876, and Bombay Acts II. and VII. of 1863.

The orders in this chapter are divided into—

I.—Those relating to Inams generally.

II.—Those relating only to Inams that have come under the Summary Settlement.

III.—Those relating to Inams which have not come under the Summary Settlement, including those which were settled under Act XI. of 1852.

It should be mentioned that grants of land by our Government are but seldom made, and when made, are generally accompanied by conditions sufficiently definite to prevent most of the disputes which arise as to Inams that have been granted by previous dynasties.

I.—Orders relating to Inams generally.

1. **Alienation work.**—All details of alienation work such as decisions in succession cases, audit of cash bills, &c., are now left to the Collectors.—*G. R. No.* 4168, *July* 23, 1875.

2. **Powers given to Inamdars.**—There is no objection to the powers contemplated in clauses (*a*) and (*b*) of Section 88 of the Land Revenue Code being conferred upon an Inamdar at once, but none of the powers mentioned in clauses (*c*) to (*f*) of that

section can be conferred until a Survey Settlement has been extended to his village under Section 216 of the Code (vide the proviso to Section 88.)

If the Inamdar is to be invested with any powers under clauses (*c*) to (*f*) the first step would be under Section 216 of the Code, to authorize the extension to the Inamdar's village, by a notification,* of the provisions of Chapters VIII. to X. of the Code which he may desire to have so extended, or of such of them as Government think fit to extend. Section 112 must, of necessity, be amongst the number of sections to be so extended, when a Survey Settlement "made, approved and confirmed under the authority of the Governor in Council" is already in force in the village. And when the existing assessments have not yet been declared by Government to be fixed for a term of years, Sections 102 and 103 must of necessity also be included, in order that Government may have power at once to declare them to be so fixed, and that the Survey Settlement may be formally introduced.

When the above Notification has been issued, and when, if necessary, an order has been issued under Section 102, and proceedings have been taken under Section 103, the requirements of the proviso to Section 88 will have been satisfied.

The powers which Government may then deem it fit to confer upon the Inamdar or upon any agent of his may be given, *not* by notification, but by a commission in the form of Schedule F of the Code. If powers are conferred under clauses (*a*) and (*b*) of Section 88 of the Code at once, without waiting for a Survey Settlement to be extended to the village under Section 216, they too must be given by a commission.—*G. R. No.* 1388, *March* 8, 1881.

Note.—See also Order No. 32.

3. In unsurveyed alienated villages Inamdars can receive notices of relinquishment, either absolute or in favour of other persons, section 74 of the Code not being applicable to such villages. In alienated villages into which the Survey Settlement has been introduced, Inamdars cannot exercise the powers of receiving such notices until they are invested with them under Section 88 of the Code.

* Form of Notification :—

"In exercise of the power conferred by Section 216 of the Bombay Land Revenue Code, 1879, the Governor in Council is pleased to authorize the extension of the provisions of Sections of the said Code to the village of in the taluka of the District.

By order, &c."

Steps should therefore be taken as far as possible to invest Inamdars when necessary with the powers contemplated by Section 74. As regards agreements to take up new land, the power of the Inamdars to receive such agreements is not restricted by law in surveyed or unsurveyed villages.—*G. R. No.* 3439, *June* 15, 1881; *No.* 5730, *Oct.* 1, 1881; *No.* 7045, *Nov.* 23, 1881; *and No.* 959, *Feb.* 10, 1882.

4. There is no legal objection to the power of registering the name of the heir of a deceased occupant being exercised by the holder of an alienated village.—*G. R. No.* 1014, *Feb.* 13, 1882.

5. Powers have been given to various Jagheerdars and Inamdars to exercise the powers of a Mamlatdar under Bombay Act III. of 1876.

6. **Liability to taxation.**—The holders of alienated land must, in common with the rest of the community, pay income tax; and the fact of their having accepted the summary settlement cannot be held to afford them exemption.

Nor can their plea to exemption from local taxation be admitted. All they are entitled to under the summary settlement is exemption from any increased demands on account of Imperial land revenue. *G. R. No.* 1889, *April* 19, 1870.

7. **Relations between Inamdars and their Tenants**—[The following order though old gives a clear statement of principles which ought to be kept in mind.]

* * * * *

"The main points upon which our decision is desired appear to be,—1st, whether an Inamdar, or other party to whom the land revenue of the State has been assigned, is compelled to regulate his assessments according to the rates established in the Government lands of the district in which his inam lands are situated; and 2ndly, if by a compulsory reduction of the rates to those established in the Government lands the Inamdar sustains a positive loss of income, is he entitled to be compensated by Government for such loss?

"Lands which, under any titles, are exempted from the payment of revenue to the State may be generally classed under the following heads:—

"1*st.*—Lands cultivated by the Inamdars themselves;

"2*nd.*—Lands cultivated by ryots paying rents to the Inamdars, but possessing no proprietary interest in the soil; and

"3*rd*—Lands cultivated by Mirasdars, and others possessing a proprietary interest in the soil, and paying revenue to the Inamdar.

"With regard to the first class it is obvious that no interference can be called for, the payer and the receiver of revenue being the same party.

"With respect to the second class, in which the land is cultivated by ryots possessing no right or interest in the soil, but under arrangement mutually agreed upon between themselves and the Inamdars, there can be no necessity for any interference on the part of Government for the purpose of preventing the Inamdar from demanding whatever rates he may think proper. If his demands are exorbitant, the cultivators, having no tie to any particular village, may transport their labour to another place, where the assessment is more moderate; and thus the Inamdar will be compelled, by a regard for his own interests, to keep his demands within moderate bounds.

"The practical difficulty arises with regard to the third class of lands, viz., those which are cultivated by Mirasdars, or others under whatever name, who may possess a proprietary interest in the soil.

"The title of the Mirasdar to possess the land on payment of Government revenue is no less valid, and probably much more ancient than that of the Inamdar to receive the revenue and apply it to his own purposes; and the Government is equally bound to protect each in the enjoyment of his respective rights. If the Inamdar is held to be entitled to demand whatever money rate he pleases under the name of revenue due to him, or even such a rate as in former times or at the date of the original grant was actually paid, but which, from the alteration which has taken place in the relative values of money and agricultural produce, can no longer be realized, it is obvious that the immemorial rights of the Mirasdars will be rendered worthless.

"The difficulty may be most readily surmounted by a recurrence to the original principles on which the land revenue is based.

"The right of Government consists in its title to receive from the Mirasdar a share of the produce of the land, or, more strictly, a share of the surplus produce after payment of the expenses of cultivation. The practice of receiving revenue in kind has been, as far as possible, abolished in all Government villages, and the Government share commuted into money at what is calculated to be a

fair average price. It is obvious that the amount of money to be paid by the ryots as the equivalent for the Government share must vary with every fluctuation in the relative values of money and agricultural produce: but, as such fluctuations are likely to be neither violent nor sudden, it has been considered sufficient for the interests of both parties, and especially in order that the ryot may not be kept in a state of constant uncertainty as to the money amount which he may be called on to pay that the necessary adjustment should be effected occasionally, and at definite periods. Thus in the recently surveyed and assessed districts under your Presidency the rates have been fixed for a period of thirty years, at the expiration of which they will become liable to revision, and, if necessary, re-adjustment.

"If this exposition of the nature and extent of the right of Government be admitted to be correct, it is clear that this right, and this only, is possessed by the Inamdar or other assignee of the revenue. All that he can demand of the Mirasdar is the share of the produce which was the property of Government either in kind or its equivalent in money at the current price of the day. He can set up no claim to any fixed and invariable money rate, which, from the change in the relative values of grains and money, may no longer represent the share of produce to which he is entitled.

"The ascertainment of the share of the produce to which Government could equitably lay claim is an operation essentially belonging to the functions of the Revenue officers of Government, and to which the judicial tribunals are, from their constitution, incompetent.* We are therefore of opinion that any interference which may be required between the Inamdar and those holding lands under him, should be entrusted solely to the Collector within whose charge the lands may be situated.

"Whenever any ryot possessing a proprietary interest in the land may consider the demand of the Inamdar to be exorbitant, he should be at liberty to make a representation thereof to the Collector of the district, who, on being satisfied of the existence of such proprietary interest on the part of the complainant, should proceed to ascertain the share of the produce to the payment of which the land is justly liable; and the Inamdar should be restricted from demanding more than such share of the produce, or its equivalent in money: and in

* This ruling is now legally enforced by the Bombay Revenue Jurisdiction Act, but was much discussed when that Act was under consideration.

case of any dispute arising between the Inamdar and the ryot as to the amount of such equivalent in money the ryot should be at liberty to discharge his revenue in kind.

"In accordance with this, ryots who possess a proprietary right and refuse the customary payments to the Inamdar should be called on to state why they do so: if they simply quote the new Survey rates as those by which they choose to abide, they should be told that Government have never required their adoption by Inamdars or Jagheerdars, and that they cannot therefore do so now; but if the ryots complain that the assessment is really heavier than they can pay, the Collector should inquire into the truth of the allegation, by comparing the rates now levied with both the old and new rates in the surrounding Government villages, and thence ascertain whether the ryots are exposed to any hardship or not."—*Court of Directors, March* 27, 1844, *and G. R. No.* 6856, *Nov.* 14, 1849.

NOTE.—The last three paras. of the above extract were superseded by (Bombay) Act II. of 1866 which in its turn has now been repealed, but they are retained here to show the principle which formerly prevailed. The revenue authorities can now only take into consideration arrears of revenue of the current year. These cases often give much trouble, and it is generally a matter of considerable difficulty to prevent Mamlutdars from putting pressure on the cultivators by issuing notices to them to pay up before enquiring into the merits of the dispute.

8. **Assistance to recover rent.**—Collectors are justified in granting aid in the collection of revenue, under Chapters 6 and 7 of Reg. XVII. of 1827,* to mortgages of alienated villages who have been duly recognized and are in possession. A mortgagee may be held to be "duly recognized" when in possession of the mortgaged property with the consent of the mortgager, or by order of the Civil Court.—*G. R. No.* 3192, *Sept.* 23, *and No.* 3683, *Nov.* 5, 1858.

9. When assistance in the collection of revenue is given to the proprietors of alienated villages, the instalments are to be considered as falling due on the same dates as in Government villages of the same collectorate, and not on dates fixed arbitrarily by the Inamdar.—*G. R. No.* 4281, *July* 25, 1853.

10. An Inamdar is entitled to assistance as a superior holder in the recovery of his dues from his tenants under Section 86 of

* Now Revenue Code, Secs. 86 & 87.

the Land Revenue Code, whether a Survey Settlement has been extended to his lands or not.—*G. R. No.* 4150, *July* 18, 1881.

11. When a village is held by the Inamdar subject to the right of a Deshmukh, or Deshpándé or some other such hakdár to a share in, or charge on, the revenues of the village, such Deshmukh, Deshpándé or other hakdár stands *pro tanto* to the Inamdar in the relation of a superior holder and is therefore under Section 86 of the Land Revenue Code entitled to assistance in the recovery of his dues from the Inamdar. The definition of land in the Code is so drawn as to make the terms "holder" and "superior holder" apply to persons entitled to a share in, or charge on, the revenues as well as to persons in the possession and enjoyment of the land itself. All the sub-sharers therefore in alienated villages, whether their names are entered in the accounts or not, are in respect of their shares in, or charges on, the revenue entitled to assistance in the recovery thereof as superior holders.—*G. R. No.* 4379, *Aug.* 20, 1880, *and No.* 5454, *Sept.* 21, 1881.

12. If a village held in Inam by more than one person is entered in the accounts in the name of only one person, and if a dispute arises between the registered holder and the other sharer or sharers as to the right of recovering the revenue, and the Collector on the matter coming before him is satisfied that the person in whose name the village stands has all along had the sole management of it, he should consider such holder alone to be entitled to receive the rents or land revenue due by the tenants until such time as some arrangement for partition of the village, for sharing or exercising jointly the right of management is made by the parties either privately or by a suit between themselves. In such cases the party or parties applying for assistance should be referred to the Civil Court.—*G. R. No.* 3350, *June* 29, 1880.

13. If a sub-sharer in a Dumala village owns land which is entered in the accounts not as Inàm but as the holding of an ordinary occupant in the village, and if it has been the practice for the revenue of such land to be adjusted in the accounts as a set-off against the share of such sub-sharer in the revenues of the village instead of being paid in cash, the practice should not be lightly disregarded, and no assistance should be rendered by the Revenue Officers to the principal Dumaldars in the recovery of the rent of such land in cash. When applications for such assistance are made, the Revenue Officer applied to should refer the parties to the Civil

Court for a decision of their respective rights; and if they obtain a settlement of their dispute, assistance may be given in accordance with the terms of the Court's final decree.—*G. R. No.* 2689, *May* 24, 1880.

14. A sub-sharer is a superior holder in accordance with the definitions given in Clauses 11 & 13 of Section 3 of the Land Revenue Code, and is therefore entitled to receive his dues on account of rent or land revenue from the inferior holders through the village officers.—*G. R. No.* 5838, *Oct.* 6, 1881.

15. Section 85 of the Land Revenue Code requires a superior holder to receive his dues on account of rent or land revenue through the hereditary village officers, but he may receive his dues direct from the persons liable to pay them on failure of the village officers to account for the same, provided he first obtains the consent of the Collector. Although nothing in this section empowers the Collector to compel the village accountant to pay the amount claimed, the latter portion of the section clearly implies an exercise of discretion on the part of the Collector. If he has reason to doubt the claim, he may refuse his consent, but if he has no doubt at all that the claimant is a superior holder entitled to the share of the revenue of the village which has been paid by the village officers to the other superior holders, he may consent to a demand being made by the claimant for payment direct from those co-sharers as inferior holders to the extent of their obligation. If the co-sharers refuse to pay the amount thus demanded, the claimant can then apply to the Collector for his assistance under Section 86. In the Collector's summary enquiry which he is bound to make on the application, the nature of dispute between the superior holders will be disclosed, and if the question at issue is of a complicated or difficult nature, the Collector will be justified in refusing assistance, leaving the parties to settle their dispute in the Civil Court.—*G. R. No.* 4330, *July* 5, 1882.

16. Under the Code the occupants of land in surveyed villages and superior holders referred to in Section 44 of Bombay Act I. of 1865, now come under the common denomination of "superior holders" and as such are entitled to assistance under the provisions of Section 86 and the following section of the Code. According to the procedure there laid down, the Collector is required to hold a summary enquiry and determine from the evidence before him

the amount lawfully due. The first paragraph of Section 83 indicates the grounds on which the Collector should proceed, viz:—

(*a*) If any agreement between the superior holder and tenant is proved, the rent agreed upon between them.

(*b*) If there is no satisfactory evidence of such agreement the rent payable by the usage of the locality.

(*c*) In the absence of any agreement or usage such rent as may under the circumstances of the case be deemed just and reasonable.

If the Collector owing to the complicated and difficult nature of the dispute is unable to settle it summarily he can refuse assistance, or where the survey assessment has been fixed he may grant assistance to the extent of such assessment.—*G. R. No.* 3904, *June* 17, 1882.

17. An Inamdar cannot compel his ryots to pay their rents in the old local currency. The latest published assay tables must be taken as the standard of valuation.—*G. R. No.* 2815, *July* 19, 1859.

18. **Hukks.**—Care must be taken that Inamdars who have received compensation for hukks abolished by Act XIX. of 1844 do not continue to levy these, and the district officers should occasionally inspect the village accounts and inform the ryots that they have been relieved of these burdens.—*G. R. No.* 3171, *June* 28, 1854.

19. **Rights of Cultivators**—The proprietor of an Inam village cannot be permitted to usurp or interfere with the rights of the cultivators in appropriating for cultivation lands long set apart for grazing the village cattle, &c.—*G. R. No.* 2981, *June* 12, 1874.

20. **Succession.**—Land should, in every case of the death of the holder, *i.e.*, the person whose name is borne in the public accounts, be continued to the nearest heir, pending inquiry, provided there be no *primâ facie* grounds, such as the extinction of the line of the original grantee, for believing the alienation to be one not properly continuable, or for believing fraud to have been committed.

On all transfers of hereditary property in the public registers from one name to another, the Collector should take steps to determine that the claimant is the lawful heir.

Government is unable to prevent a Hukkdar or Inamdar alienating his rights during his lifetime, and under the Hindu law, even burdening his posterity with his debts, but will not recognize the claims of any but lawful and lineal heirs, or otherwise allow transfers of names in the public registers, if on failure of heirs Government would become the successor.—*G. R. No.* 2525, *April* 3, 1850, *and No.* 10890, *Nov.* 10, 1851.

21. When an Inamdar dies without heirs his Inam land should at once be made khalsat and dealt with as the Collector thinks proper, subject to any order that may be made by the Civil Court under Reg. 8 of 1827, Sec. 10, and provided that the right of occupancy in lands made khalsat is not sold so as to disturb actual possession. Should heirs of the deceased Inamdar appear after the land has been made khalsat the matter is to be referred for the orders of Government.—*G. R. No.* 1983, *April* 25, *and No.* 2935, *June* 19, 1872.

22. **Lapses.**—All lapses of alienated property must be reported to Government immediately.

Each report will show the name of the last incumbent, the date of lapse, the nature of the lapsed holdings, their annual value, the cause of the lapse, and the authority on which the grant was enjoyed.

When the lapse is partial, a portion being continuable to heirs or others, this should be clearly and fully stated.

Every description of lapse, whether of life-pensions, surinjams, inams, wurshasuns, or any other allowances in land or cash, is to be reported.—*G. R. No.* 1545, *April* 25, 1859.

23. **Attached villages.**—In villages under attachment pending investigation of title the arrangements of the last manager are to be continued, unless any objections exist thereto.—*G. R. No.* 5753, *July* 29, 1850.

24. A fixed percentage rate of commission for the management of attached villages is inexpedient; the actual expenditure of management should be charged on the revenues of the villages.—*G. R. No.* 3380, *Oct.* 14, 1858.

NOTE.—See Sections 111 & 161, Revenue Code.

25. **Survey of Inam villages.**—The Revenue Survey assessment cannot be introduced into a "Doomalla" village without

the consent of the Doomaldar, and on such consent being obtained and the assessment being introduced, the Collector should refuse to assist the Doomaldar in realizing from the recognized occupants of lands any assessment beyond that imposable by the Survey rates, This rule should be explained to the Inamdars when obtaining their consent to the introduction of the Survey.—*G. R. No.* 6821, *Nov.* 24, 1853.

26. Before survey rates are introduced in an Inamdar's village, an agreement should be taken from the Inamdar to the effect that he would pay the Patel and Kulkarni of his village according to the scale in force in Government villages.—*G. R. No.* 7322, *Dec.* 3, 1881.

27. A tenant of an Inamdar is a person "occupying immoveable property free from assessment" within the meaning of Section 17 of Wutun Act III. of 1874, and it is immaterial whether the cultivators do or do not pay rent to the Inamdar.—*G. R. No.* 7884, *Dec.* 26, 1881.

28. In all villages in which Government settle the Jummabundy the revised assessment should be introduced, whether the Government share of the revenue be large or small.

The following rules are, with the exception contained in the 5th, applied to all alienated villages the annual settlement of which is made by the alienee, and not by Government, whatever the share of the revenue enjoyed by Government may be:—

(1) The boundaries of all alienated villages to be surveyed at the expense of Government.

(2) The lands of alienated villages held on hereditary tenure of which the alienees make the annual settlement, not to be subjected to the usual Revenue Survey operations, excepting at the request of the alienee, and on his expressing his intention to adopt the rates fixed by the Survey Department and sanctioned by Government.

(3) In the event of the alienee fulfilling his intention, the expense of the operation to be borne by Government, and in the event of his not doing so, by the alienee.

(4) Villages held on service tenure by hereditary officers to be subject to the Revenue Survey operations, but holders of such villages are not constrained to introduce the Survey rates.

(5) The lands of villages which are to lapse to Government on the death of the existing incumbents are to be surveyed and classed

at the same time as the lands of khalsat villages in the district, but the new rates are not to be imposed against the will of the alienees until their decease. The occupants are, however, to be answerable for the maintenance of the field boundary-marks.—*G. R. No.* 1223, *Feb.* 10, 1851; *No.* 5479, *Dec.* 29, 1855; *and No.* 3013, *Sep.* 28, 1868.

29. The rule whereby the cost of surveying alienated villages is undertaken by Government on the condition that the alienee accepts and adheres to the terms of the settlement is upheld.

Government will also defray the expense of revision operations in cases where the rules and rates have been adhered to, and where a guarantee to this effect is given for the future.—*G. R. No.* 373, *Jan.* 21, 1875.

30. **Survey of Inam villages.**—Inamdars who desire it may be allowed to pay the survey expenses in two equal instalments.—*G. R. No.* 543, *Feb.* 12, 1852.

31. There is no necessity for the special sanction of Government to the introduction of Survey rates in alienated villages.—*G. R. No.* 2798, *July* 8, 1869.

32. Under Government Resolution No. 5021, dated 16th November 1878, Survey rates sanctioned for adjacent Government villages previously settled are to be held applicable to inam villages coming under settlement at any time after the settlement of the mass of the taluka. This general sanction should be deemed to be the sanction required by Secs. 102 and 103 of the Land Revenue Code.—*G. R. No.* 6386, *Dec.* 6, 1880.

33. When unsurveyed alienated villages in surveyed districts lapse or are transferred to Government, their survey and settlement should be allowed to lie over until a number accumulate in one collectorate, or in two neighbouring ones, sufficient to employ a measuring and classing establishment.

The settlement made in such villages should expire simultaneously with the general settlement already introduced in the taluka in which the lapsed village is situate.—*G. R. No.* 842, *March* 9, 1858.

34. When it is necessary during the course of survey operations to cut down trees on inam lands for the purposes of erecting boundaries, the subordinate in charge of the survey work should report at once to the Mamlutdar, who should, either himself or by a respon-

sible Karkoon, settle the value, &c., and arrange with the owner before the trees are cut. In the case of common jungle trees owners are generally glad to get them cut for nothing.—*G. R. No.* 621, *Feb.* 10, 1872.

35. **Boundary marks.**—The owners of alienated villages which have been surveyed, by virtue of their being held on service tenure or at the express desire of the alienee, should be requested to cause the boundary-marks to be examined by the village officers, to test these examinations themselves or by their agents, and to report the result to the Assistant Collector in charge of the talooka. —*G. R. No.* 2581, *June* 19, 1865.

36. Waste inam fields on which boundary-mark charges are due are to be sold annually as grass lands if the Inamdars are not present, and the charges liquidated from the proceeds.

If the Inamdars are present, the payment of the money should be peremptorily enforced as a revenue demand, under Sec. 6 of Act III. of 1846.—*G. R. No.* 9976, *Oct.* 17, 1851.

37. **Survey rates.**—Any village officer collecting more than the authorized Survey assessment from ryots in alienated villages the aliences of which had agreed to the introduction of the Revenue Survey and Assessment, is liable to prosecution for extortion.—*G. R. No.* 3547, *July* 31, 1857.

38. **Accounts.**—The accounts of alienated villages are to be kept, whenever practicable and customary, by the village officers, and examined by the Mamlutdar and district officers, in the same manner as in Government villages, but in villages belonging to Inamdars who are on the list of Sirdars this examination is only to be made by the Collector and his Covenanted Assistants, except in special cases to be reported to Government.—*G. R. No.* 2390, *May* 23, 1845, *and No.* 4391, *April* 19, 1851.

39. **Attached lands.**—When isolated inam lands placed under attachment can be managed by the Accountant of the village in which they lie and do not exceed in value Rs. 100 a year, no deduction should be made; but when they are in any other than a directly managed khalsa village the usual percentage for management should be charged, however small the annual value of the attached lands may be.—*G. R. No.* 5753, *Nov.* 22, 1872.

40. **Rights to trees.**—The rights of Inamdars and Mirasdars in the Deccan to cut trees growing on their lands have never been interfered with, either under the late or present government, except in cases where special reservations have been made. But the Inamdar is only a life-tenant. Waste may be restrained, and therefore, although he may cut and utilize his teak or other reserved timber, he must not destroy his forest, and should fell only such trees as the Forest Department may consider fit for it.—*G. R. No.* 390, *Feb.* 12, 1847, *and No.* 4989, *Oct.* 17, 1870.

41. The proprietors of inam lands in Government villages other than service wuttun lands should be admitted to the full proprietary right over every description of timber growing on their estates, upon payment of the summary settlement rate assessed upon the value of the teak and blackwood trees which may be found there.—*G. R. No.* 2762, *Oct.* 19, 1866.

42. Inamdars or others who may attempt to make away with trees where the right has hitherto unquestionably belonged to Government should be criminally prosecuted.—*G. R. No.* 1044, *March* 14, 1867.

II.—Orders relating to Inams under the Summary Settlement.

43. **Succession.**—In the case of inams held under Summary Settlement sunnuds, Mamlutdars may enter the name of either the eldest son, or of the widow where there is no son; otherwise a report should be made to the Collector before making the alteration. In other cases when the right of succession is undoubted and undisputed, the production of a certificate of heirship under Reg. VIII. of 1827 need not be insisted on. Where there is any doubt, a certificate of heirship should be produced before the name of the successor is entered.—*G. R. No.* 2187, *June* 4, 1868; *No.* 1343, *March* 1, *and Rev. Com.* (*N.D.*) *April* 4, 1870.

44. **Transfer.**—The Inamdar in whose name the inam stands is responsible for due notice being given on any change of possession of any part of the land for which the settlement was made with him. Under clause 2, sec. 5, each person obtaining possession of the land whether by inheritance or transfer is bound within one month, to give notice to the Collector, and in the event of his not so doing "shall forfeit, in addition to the nuzzerana leviable on the occasion, a sum equal to the amount thereof."

The holder by clause 3 is also bound to give notice, that is, the person with whom the agreement was made.

Should any holder object to the position in which he stands to his sub-sharers, he might transfer in a formal manner their shares to them, when they would have to pay the usual nazarána. The very object of these notices is that Government may know who is placed in possession of the land, and when lands are so transferred without any lien being retained on them by the superior holder, the names of the parties to whom the lands are transferred will have to be entered in the Government accounts, and after that they will in every way be considered as the holders and owners of the land, and all responsibility on the part of the superior holder will cease.—*G. R. No.* 1664, *April* 6, 1872, *and No.* 2940, *May* 22, 1873.

45. In all future cases of failure to give notice to the Collector in cases of transfers of Ináms, the full penalties for omission will be exacted under (Bombay) Act II. of 1863.—*G. R. No.* 5955, *Nov.* 27, 1871.

46. The amount of nazarána is to be limited in all cases to one year's income.—*G. R. No.* 6440, *Dec.* 5, 1874.

47. **Sanads.**—If one or more survey numbers recorded in a sanad are relinquished by transfer to other private individuals, a new sanad should not issue. The party to whom the transfer is made can arrange to obtain copy of the original sanad in the usual manner. There will be no occasion to take a separate rázináma or formal deed of relinquishment in addition to that endorsed on the sanad itself, which should of course be signed by the holder.

This endorsement is only made when the sanad holder wishes for his own sake or on behalf of his transferee, that the relinquishment or transfer should be noted on his sanad. But when all the numbers included in a sanad are relinquished, the sanad should be recalled and cancelled.—*G. R. No.* 2724, *May* 5, *No.* 3669, *June* 23, *and No.* 5102, *Sept.* 6, 1876.

48. On the renewal of sanads which have become worn-out and useless, a fine is levied of one anna on each rupee of the inám with a minimum limit of one rupee and a maximum of fifty. The fine is to be recovered in cash.

The new sanad is to be an exact copy of the original one. If the two agree the printed standard form can be used. The renewed

sanad is endorsed thus—"Fine Rs. levied and a fresh copy delivered on this the day of 18 ."—*G. R. No.* 6012, *Oct.* 25, 1875, *and No.* 670, *Jan.* 29, 1876.

49. **Survey**—Inámdárs who accept the summary settlement should, as regards payment of the expenses of the survey of their villages, be treated in all respects as Judi Inámdárs, to whom Rules 2 and 3 of those relating to the survey of Inám villages apply. (See Order No. 28.)—*G. R. No.* 543, *Feb.* 12, 1862.

50. **Local cess.**—Whatever may be the judi or the mode of calculating it, local fund cess has to be levied upon the assessment, whatever that may be.—*G. R. No.* 6547, *Nov.* 23, 1875.

51. **Forest rights.**—With respect to the application of the summary settlement to forest lands the following are the rules :—

1*st*—In cases where at the time of the settlement forest rights had been specially reserved, and were not in the enjoyment of the Inámdár, he should be held to have no claim whatever to them. In such cases the Collector may, if he thinks fit, either retain the forests on account of Government, or else sell them for their full value to the Inámdár.

2*nd*—In cases where the Inámdár has at the time of settlement exercised rights of forest, and the land has not been specially set apart for valuation, according to Rule 2 of Sec. 2 of (Bombay) Act II. of 1863, then the settlement should be made according to the Survey assessment, irrespective of the value of the trees, which should be held to belong unreservedly to the Inámdár.

3*rd*—In cases where the Inámdár has, at the time of settlement, exercised forest rights, and the land has not been surveyed and assessed, but has been reserved for special valuation, then in making the settlement the value of the land for purposes of cultivation, together with the value of the forest growing thereon, should be taken into consideration.

Cases that have already been finally decided are not to be interfered with.—*G. R. No.* 1796, *May* 11, 1867.

52. With reference to the above rules the valuation for the summary settlement is to be made on the five kinds of trees* named, where they have been hitherto reserved by Government, and no rights over them have been exercised by the Inámdár.

* 1. Teak.
2. Blackwood.
3. Sandalwood.
4. Mati.
5. Honái.

It may be avisable to buy up the entire forest rights of the Inámdár, by giving up the grazing to him, by remitting a portion of his payment under the summary settlement, or by any other convenient arrangement, when the exercise of those rights is likely to endanger the preservation of Government forests. Any proposals the Collector may make to this effect on the reports of the demarcating officer will be duly considered.—*G. R. No.* 4107, *Aug.* 24, 1871.

53. All cases in which the Inámdárs claim a right over the forests of their villages should be referred to the Forest Settlement Officers for a careful enquiry and separate report in each case. The reports on such cases should be submitted to Government for final orders through the Legal Remembrancer. It is advisable that the sanad should be examined in every case before forest is allowed to be cut down in Inam villages.—*G. R. No.* 6457, *Oct.* 29, 1881.

54. In cases where the absolute right of Government to the trees cannot be established, an Inámdar who has accepted the summary settlement as to the land revenue of his village may, if he likes, refuse the settlement as regard trees.—*G. R. No.* 1044, *March* 14, 1867.

55. **Transfer under terminable settlement.**—In the case of ináms coming under the terminable settlement the entry of new names may be made on transfer by sale, &c., provided the balance of the lump sum payment due under the settlement is paid up in advance.—*G. R. No.* 3545, *July* 10, 1874.

III.—Orders relating to Inams not under the Summary Settlement.

56. **Adoption.**—The following rules regarding adoptions apply to those who hold ináms or property of any kind emanating from the State, and who have not come under the summary settlement :—

No adopted son will be recognized as having, by virtue of his adoption, a right to the possession of property of any kind held from the State, unless the sanction of Government has been obtained previous to his adoption, and the regular "nazar" paid for it when such is payable.

Government will sanction any adoption only on the assumption that such adoption is in conformity with the religious law and caste usages of the applicant, the customs of his family, and the rights of

all other parties. Should the party adopting infringe such law, usages, customs, or rights by the adoption, he will do so at his own peril. The sanction is merely a declaration that there is no objection on the part of Government to the adoption of a certain person, and does not create any title which did not exist before, nor render valid one which was previously invalid; so that if it be found, after an adoption has been sanctioned, that ináms, &c., are held without just title, they will be resumed by Government, notwithstanding they may have passed to the adopted son, or to any one holding from him.

The Collector of each district will receive applications for the sanction of Government to adoptions; but if the applicant be under the jurisdiction of a Resident or Political Agent the application may be made through him, and applications to adopt sons from persons on the list of Sirdárs are to be submitted through the Agent.—*G. R. No.* 1213, *Feb.* 20, 1849, *and No.* 2654, *July* 14, 1838.

57. **Adoption.**—The rules given in the last order for adoptions are also applicable to alienations by gift, sale, or otherwise of ináms, &c., which have not come under the summary settlement.—*G. R. No.* 1213, *Feb.* 20, 1849.

58. The first great principle with regard to all adoptions is that which alone justifies Government in interfering at all with the subject, namely, that Government is not in any way bound to recognize any adopted son who was not adopted with its previously declared sanction, either general or specific. Of course it should be made fully evident that it is not the religious ceremony of adoption which is forbidden, but the right of binding Government to its own loss by an unsanctioned adoption. For all social and religious purposes an adoption will remain valid, whether or not the sanction of Government be obtained.—*G. R. No.* 1343, *Feb.* 14, 1851.

59. Each petition for sanction to adopt is to be accompanied by a genealogical tree showing the original grantee of the ináms, &c., and the claims of all persons then living upon them, and a schedule of the estates and their values. These should be referred for verification to the officer in charge of the district, and the amount of nazar payable should then be calculated. The application and the result of the inquiries made should then be referred to Government.—*G. R. No.* 5209, *Dec.* 16, 1847.

60. Government will repudiate the sanction given to an adoption if obtained upon misrepresentation or erroneous information.—*G. of I. No.* 366, *March* 31, 1854.

61. **Succession.**—In the case of successions to ináms nomination is to be considered equal to lineal descent when the holder is a Sanyási, or otherwise by his religious law debarred from marriage.—*G. R. No.* 4038, *Dec.* 4, 1858.

62. When a grant is held by a religious devotee and the succession originally restricted to disciples, a son may nevertheless succeed. But when this is allowed, the succession will in future be restricted to the descendant in male lineage of the first who succeeded as son, and will not be permitted to revert to disciples.—*G. R. No.* 839, *March* 9, 1858.

63. Landed property and watans of Mahomedans are to be continued in the female line, according to the Mahomedan laws of inheritance.—*G. R. No.* 12115, *Dec.* 31, 1851.

64. **Nazarana.**—On the Inams adjudicated under Act XI. of 1852 and declared permanently continuable subject to whatever orders Government may pass regarding the levy or remission of nazarána on succession, the 1st proviso in Section 5 of Act. II. of 1863 should be made applicable in cases where more than one succession occurs within one year, and nazarána at the rate of one year's income should be taken once on account of all such successions within a year.

As regards the minor ináms in respect to which no proviso for nazarána was made in the decisions, the terms of the decisions must be upheld and no nazarana levied.—*G. R. No.* 4624, *Aug.* 28, 1874.

65. When an inamdar dies intestate and with known heirs, if the Collector considers that any portion of the inám has lapsed to Government, he should prefer his claim before the Judge, under Cl. 3, Sec. 10, of Reg. VIII. of 1827, in the same way as any other claimant.—*G. R. No.* 973, *March* 26, 1856.

66. **Judi lands.**—Lands continued as judi lands are to pay only the survey rates where these are less than the old judi rates. Further, it is to be understood that at the close of the thirty years for which the revised rates are to hold good, the amount of judi fixed by the Inám Commissioner's decisions will not be exceeded,

should the land, according to the rates which may then be introduced, be assessed higher than the amount of that judi; consequently the Judidár will enjoy the profits of any improvements he may make by bringing the land under irrigation, &c.—*Govt. Letter No.* 1490, *Feb.* 20, 1851.